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DOI:

[10.1080/21599165.2017.1279605](https://doi.org/10.1080/21599165.2017.1279605)

Document Version

Peer reviewed version

[Link to publication record in King's Research Portal](#)

Citation for published version (APA):

Bocquillon, P., & Maltby, T. (2017). The more the merrier? Assessing the impact of enlargement on EU performance in energy and climate change policies. *East European Politics*, 33(1), 88-105.
<https://doi.org/10.1080/21599165.2017.1279605>

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The more the merrier? Assessing the impact of enlargement on EU performance in energy and climate change policies

<http://www.tandfonline.com/doi/full/10.1080/21599165.2017.1279605>

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ABSTRACT: This article examines the impact of enlargement on European Union (EU) performance in energy and climate change policies. It looks at process driven performance – focusing especially on agenda-setting, negotiation dynamics and institutional change – as well outcome-driven performance – looking at policy objectives and their implementation. The empirical analysis is based on qualitative, comparative case studies of EU climate change and energy security policies. We argue that, although recent enlargements have not led to permanent institutional deadlock or a stable Eastern coalition, they have contributed to bringing some issues back to the top of the European agenda – such as the security of gas supplies – as well as to fuel old debates – especially the issue of burden sharing in climate change negotiations. In terms of outcome, enlargement has not prevented the adoption of relatively ambitious climate legislation, although Central and Eastern European Countries (CEEC) have been able to obtain significant concessions. Besides, CEECs have made a positive, although limited, contribution to improving EU security. However, their impact may further increase as the paper points to their renewed assertiveness in both energy security and climate policy in recent years.

Keywords: Central and Eastern Europe; climate change; energy; enlargement; European Union; policy performance.

Word count: 8489 (excluding title, abstract and keywords)

1. Introduction

The 2004/7 Eastern EU enlargements coincided with significant progress in energy and climate policy developments at the European level. The informal European summit of October 2005 is often credited for marking the beginning of a political process which led to the Climate and Energy Package in December 2008 and the adoption of the third legislative package on the Internal Energy Market in June 2009 (Buchan 2009). The January 2009 gas ‘crisis’ between Ukraine and Russia, which led to severe supply disruptions across Europe, particularly amongst newer member states, also spurred the adoption of a series of new measures to improve energy security and reinforce crisis response mechanisms (Maltby 2013).

The rapid development of EU energy legislation may appear surprising when contrasted with the expectations of analysts predicting decision and policy-making paralysis or substantial slowdown as a result of enlargement (Golub 1999, 744).¹ The effect of enlargement on environmental policy has been extensively discussed, with many analysts expecting that the accession of poorer member states (MS) with a mixed environmental record and little interest for environmental protection would affect EU policies negatively.² As for the inter-related sectors of energy and climate change, the impact of enlargement remained relatively neglected until recently, when it has received more attention due to the increasingly sensitive character that this issue has acquired for Central and Eastern European Countries (CEECs) (Mišík 2010; 2015; Spencer and Fazekas 2012; Braun 2014; Maltby 2015). However, these contributions do not address directly the impact of newer member states (NMS) on EU performance in the policy area, nor specify the mechanisms through which enlargement has affected policy-making.

Counter to expectations several significant pieces of legislation have been adopted that reinforce the EU’s influence and expand the scope for cooperation at the European level. The 2009 Climate and Energy Package introduces binding renewable energy targets and ambitious climate objectives for MS. The European Council has also agreed new targets for 2030. Concerning energy security, certain CEECs critically depend on Russia for their energy supply – especially in the gas sector. Their energy infrastructures inherited from the Communist era tie them to Russia, which still provides a large share of their oil and gas consumption and has often used energy as a political lever (Maltby 2015). Therefore, they have generally been strong supporters of common policies to deal with energy security, repeatedly advocating an EU that ‘speaks with one voice’ on energy issues. Enlargement has contributed to the development of new energy security measures at the European level, such as the 2010 gas security regulation, in the process of being revised in 2016.

We argue that the accession of CEECs has not fundamentally hindered the EU’s climate and energy policy decision-making process but has significantly impacted on its agenda and the substance of its policies. Enlargement has contributed to an increased focus on energy security – specifically security of supplies – and made the issue of burden sharing

¹ Though scholars such as Zielonka (2004) thought such concerns had been overplayed.

² See Skjaerseth and Wettestad (2007, 266-8) and Burns et al. (2012, 55-8).

– in particular the responsibility and costs to be incurred by CEECs – in climate policy more salient. Energy and climate negotiations have not been characterised by a straightforward East-West cleavage. CEECs do not form a single unified bloc and their demands have also been shaped by the institutional and discursive environment at the European level. However, in recent years we observe increasing assertiveness from CEECs in both energy security and climate change policies, linked to external events such as the 2009 gas ‘crisis’ and Ukrainian upheavals on the one hand, and to the economic crisis, and the role of the EU in international climate negotiations on the other.

Taking stock of the existing literature, the first section proposes a framework to assess the impact of the Eastern enlargement on EU sectoral policy-making and outlines the conceptions of process and outcome performance applied in this research. This framework is then applied to the two case studies, energy security and climate change looking at the period since 2004. Our analysis is based on process tracing, drawing on documents, press releases and fifteen elite interviews with member state, the European Commission³ and interest group representatives, conducted during the period 2010-2013.

2. A framework to assess the impact of enlargement on EU performance

This paper focuses on two aspects of performance: EU process performance, that is ‘the capabilities, mechanisms and procedures used by the European Union to perform its stated objectives’ (see Papadimitriou, Baltag and Surubaru 2017, this issue); and outcome performance, the ambitions and effectiveness of EU policies. In particular we analyse the impact of the Eastern enlargement on the EU’s internal policy-making and capacity to coordinate its MS’ interests in climate and energy policy (process performance). We also reflect on how process performance has affected the EU’s policy output in the sector of energy and climate change after enlargement (outcome-driven performance).

Conceptualising the impact of enlargement on the EU’s process performance

We consider three aspects of EU process performance: the agenda dimension; negotiation dynamics; and how these affect the institutional dimension. The most obvious aspect of process performance is the functioning of the EU institutional machinery. Existing research shows that overall, enlargement has not affected EU process performance, measured in terms of quantitative output, length of the decision-making process or voting patterns (e.g. Best and Settembri 2008), though some studies suggest that enlargement has contributed to process change with regard to informal institutional changes, including the bureaucratisation of the Council, the reinforced role of informal bilateral and multilateral interactions and the importance of ‘like-minded groups’ (Juncos and Pomorska 2008). Yet, the dominant picture remains one of flexibility and resilience. The European system of governance has adapted to

³ Hereafter, the Commission.

the new conditions as much as NMS have learnt and have been socialised to European norms and practices (Juncos and Pomorska 2007; 2008).

The potential impact of enlargement is not limited to institutional issues, which are themselves shaped by agenda-setting processes and negotiation dynamics. Enlargement has also had an influence on the substance of European debates on energy and climate change. The concept of agenda-setting refers to the selection, prioritisation and exclusion of issues from the agenda of a political organisation (Princen 2007). Not only has enlargement affected agenda-setting, but it has also influenced the way issues on the agenda are discussed. Through the concept of framing (Daviter 2007), it is possible to investigate the way NMS have been able to influence the terms of the debates and perceptions of energy and climate issues. We see a role for policy entrepreneurs, actors promoting specific solutions to policy problems, in shaping the policy process through agenda-setting and framing (Kingdon 2011).⁴ Boasson and Wettstad (2014) further argue that such actors can have recourse either to a long-term strategy aiming at framing problems and developing windows of political opportunities, or a shorter-term approach geared towards exploiting policy windows to upload their preferred solution.

Finally, enlargement has affected the constellation of preferences and balance of powers at the European level (Elsig 2010) – the third dimension of process performance. It has notably had an effect on negotiation dynamics in the Council and European Council (Hosli et al. 2011). The ten CEECs share common socio-economic features and political structures, largely inherited from their communist past, which have influenced their position in European negotiations. On the other hand, despite marked similarities, CEECs do not form a unified block as national specificities endure. Attention needs to be paid to both commonalities and difference to fully grasp the impact of the Eastern enlargement on Council negotiations. One possibility is that CEECs have blended into pre-existing cleavages, having little impact on the decision-making status quo (Naurin and Lindahl 2008). Alternatively CEECs may have formed or taken part in ‘coalitions of the willing’. In this case, two scenarios are possible. One is that they have joined an existing bloc(s), but in doing so may have tipped the balance either on one side or the other. Alternatively, CEECs may have formed a new independent bloc with specific preferences and demands. Which scenario has prevailed is likely to vary across sectors, issues and over time.

Conceptualising the impact of enlargement on the EU's outcome performance

In considering outcome performance, we examine two dimensions, drawing upon Vedung's (2007) operationalization of policy performance evaluation. First the ability of the EU to set ambitious objectives for itself; and second, the capacity of the EU to achieve these objectives. To assess the impact of enlargement on EU outcome performance, we look at the goals set by the Council of the EU/European Council and the Commission in key policy documents and

⁴ Kingdon (2011, 179) defines policy entrepreneurs as ‘advocates who are willing to invest their resources – time, energy, reputation, money – to promote a position in return for anticipated future gain in the form of material, purposive, or solidary benefits’.

legislation both pre- and post-enlargement, as well as their subsequent implementation by MS of the enlarged EU. We focus here on the internal dimension of outcome-driven performance rather than relationship with and effect on the international environment, for example international climate change negotiations or the governance of global energy supply security.

The EU's outcome performance is then determined in the first instance by the level of ambition of its policy output.⁵ We discuss whether EU policy goals have been weakened, strengthened or remained stable following enlargement, and what role CEECs have played in comparison with other factors, such as external events, or the shifting political consensus among older member states (OMS). Research has nevertheless identified cases of (limited) influence on EU policies, notably Poland (Copsey and Pomorska 2010). Yet, some argue that they remain junior partners with limited influence (Copeland 2014). It is not always easy to measure the impact of enlargement on EU policy outputs, even less so to disentangle it from other factors.⁶

The second dimension of the EU's outcome performance is its ability to implement its mutually agreed policy objectives, thus transforming policy outputs into policy outcomes 'on the ground' (Jordan 1999, 69-70). We analyse the way enlargement has affected the ability of the EU to transform the goals it has set for itself into concrete change, by looking notably at the comparative implementation records of older and newer member states as well as the effect of integrating CEECs on the functioning of EU policy instruments. Again, this is a difficult task as is it not easy to isolate the specific impact of CEECs in relation to other factors, such as economic dynamics and external events.

Policy outputs and policy outcomes are tightly linked, although not in a linear or straightforward manner. If the goals set (policy outputs) are realistic and well adapted to MS' conditions, they may as well be easier to implement and achieve. On the other hand, successful implementation (policy outcomes) can also be the result of the adoption of watered-down ambitions.

The following two sections present case studies of climate change policy (with a focus on long-term targets and the Emission Trading Scheme) and the security of gas supplies. These two cases have been selected based on their particular salience for Central European countries. In addition they span both climate policy and energy policy, two closely interrelated and increasingly fused policy areas of European integration. Finally they present rich material for comparison between dissimilar cases. While the security of gas supplies is an issue that CEECs have been keen on promoting at the European level, they have tended to be followers – and sometimes regarded as 'laggards' – on climate issues. The cases are based on qualitative material, mainly official documents, news reports and expert interviews with national representatives. They follow a loose chronological sequence in order to track continuities and changes in the impact of enlargement on EU performance and the agency of CEECs in EU politics.

⁵ 'Ambitions' are assessed in view of past commitments or in in comparison to other comparable countries or bloc of countries.

⁶ An additional difficulty is that policy outputs may be less ambitious because they have to cover a wider, more diverse area; but these negative effects can be offset by the fact that the rules and goals apply to more countries that may not have adopted similar commitments otherwise.

3. Enlargement and the European climate policy

3.1. Until 2006 - Fitting into the European climate mould: challenges for accession states

Process performance

CEECs did not, upon accession, consider climate policy as a major issue (Braun 2014). They took part in both the UNFCCC and Kyoto protocol negotiations, forming their own negotiating group – Central Group 11 (CG11) – and collaborating with EU representatives (Massai 2006, 313).⁷ They eventually ratified the Kyoto protocol as Economies In Transition (EIT), and adopted Green House Gas (GHG) emission reduction targets (from 5% to 8%) deemed generous in view of the collapse of their emissions due to industrial restructuring (Ürge-Vorsatz et al. 2006), but comparable to the 8% EU15 target. In 2000, to implement Kyoto commitments, the Commission launched the European Climate Change Programme (ECCP), including the EU Emission Trading Scheme (ETS), a pioneering carbon cap and trade system proposed in 2001 and finally adopted in 2003.⁸ CEECs participated in the debates and negotiations on the ETS, but without formal voting or veto rights, and were generally supportive (Skjaerseth and Wettestad 2007, 271). There was no significant impact on the decision-making process (process performance), which was already concluded when they joined the EU in 2004.

Post-accession, the integration of NMS represented a challenge for EU climate policy as they took part formally in the policy-making process. Several CEECs – including the largest emitters such as the Czech Republic, Hungary and Poland – experienced difficulties and delays in setting up their ETS National Allocation Plans (NAPs), detailing the allocation of carbon emission allowances to domestic industries (Skjaerseth and Wettestad 2007, 272). The EU's process performance in implementing the ETS was undermined at this point, in part because of NMS' lack of administrative capacities and expertise in climate policy.

Outcome performance

When we turn to EU's outcome performance, there are signs that accession negatively affected the ability of the EU to reduce its emissions, although most of the responsibility lies with OMS that represent a larger share of EU emissions.

In view of the emission reductions already achieved through economic restructuring as well as their generous targets as part of Kyoto, NMS were expected to be on the selling side of both the Kyoto protocol and the EU ETS, and thus to benefit from carbon trading (Massai 2007: 316). The NAP initially submitted by CEECs as part of the EU ETS were generally in line with their Kyoto targets, but the Commission rejected them on the basis that they did not fully take into account national emission reduction potential and would put EU

⁷ The group was dissolved following EU accession.

⁸ As part of the ECCP the EU also adopted directives on renewable electricity (Directive 2001/77/EC) and biofuels (Directive 2003/30/EC).

climate policy at risk (Commission 2006). The Commission was particularly worried that CEECs' surplus of GHG emission allowances compared to their actual emissions would drive the price of carbon in the ETS downwards, therefore reducing its impact on GHG emissions in the EU. In addition, by purchasing CEECs' 'hot air' (their surplus of allowances), EU15 countries would have the possibility to achieve their Kyoto target with lower emission reductions, negatively affecting the EU's outcome performance. Therefore the Commission forced CEECs to drastically reduce their national allocation of allowances (Spencer and Fazekas 2012, 245).

3.2. 2007-2009 – Making oneself heard in a consensual climate: the EU Climate and Energy Package negotiations

Process performance

In 2007, the Commission put forward a set of internationally ambitious energy and climate change objectives, the so-called 20-20-20 targets (Commission 2007).⁹ CEECs became more active in 2008, after the Commission made concrete legislative proposals to reach the targets (Braun 2014). The Climate and Energy Package (CEP), presented in January 2008, included: a Renewable Energy Directive (RED) setting binding national targets; a revision of the ETS Directive centralizing its functioning at the European level (single cap and allocation mechanism) and introducing the principle of full auctioning of carbon allowances; and an Effort Sharing Decision (ESD) for non-ETS sectors. Despite strong demands, CEECs did not undermine process performance and the CEP was adopted in record time for the December 2009 Copenhagen climate change conference.

Whilst the CEP was designed to reflect differences in economic wealth within the Union, most CEECs demanded further help. CEECs did not form a united block, as all issues were not equally salient to them. For example, Hungary, backed by a group of six CEECs, criticised the Commission for failing to take into account past GHG emission achievements (Buchan 2009, 125). Most of CEECs' demands and criticisms were directed towards the ETS proposal. Especially vocal were Poland and the Czech Republic, both heavily reliant on coal in energy production. Backed by Bulgaria and Romania, they expressed strong concerns about the cost of full auctioning in the energy sector as part of the ETS. Baltic countries argued that EU climate commitments could put energy security at risk by reinforcing their reliance on imports of Russian electricity and gas.¹⁰

There were attempts to coordinate their positions. To this end, the Visegrad forum was harnessed as a platform for cooperation and formulation of joint positions between Czech Republic, Hungary, Poland and Slovakia. With Poland taking leadership, the group's Environment Ministers listed a series of unresolved issues, including the recognition of past achievements (Visegrad Group 2008), and were later joined by other CEECs, notably Baltic states threatening to block the package. The group extracted a compromise that final decisions would be taken unanimously in the European Council (Jankowska 2011, 171-2).

⁹ Including a 20% reduction in GHG emissions (compared to 1990), a 20% increase in renewables share and 20% energy savings by 2020.

¹⁰ DG Environment official and a Czech diplomat interviews, 02.12.11 and 21.06.12, Brussels.

The 2008 French Presidency spent a great deal of effort trying to accommodate CEECs' leaders' demands in order to avoid the emergence of a blocking coalition.¹¹

The European context had an important role in shaping their positions, since the widespread consensus on the need for the EU to provide international climate leadership made it difficult to strongly oppose the CEP (Braun 2014). Yet, NMSs were not alone in voicing substantive concerns (Burns et al. 2012, 68). Many old MS also had major demands and reaped significant concessions in the bargaining phase of negotiations. On the issue of 'carbon leakage' – the potential outsourcing of carbon intensive activities due to the cost of climate policies – Poland, Czech Republic and Romania shared grievances with Germany and Italy, successfully obtaining exemptions for affected sectors.¹²

Outcome performance

At the March 2007 European Council conclusions endorsing the 20-20-20 targets, specified that MS should contribute to climate policy 'according to their differentiated responsibilities and respective capabilities' (European Council 2007, 11), reflecting the demands of CEECs and other cohesion countries. The Commission's subsequent proposal for an ESD set national targets based on GDP per capita, favouring less economically developed states.¹³ All CEECs were permitted to increase their GHG emissions in non-ETS sectors. In the ETS, the Commission used the redistribution of 10% auctioning revenues as a way to balance costs and compensate those expected to bear a larger share of the effort due to the carbon intensity of their economies.

At the December 2008 European summit, CEECs extracted major concessions, such as the redistribution of a further 2% carbon allowances, or the exemption of auctioning for the energy sector in countries highly dependent on a single source or with lower GDP per person, negotiated directly between the French Presidency and Poland.¹⁴ Some CEECs preferences were accommodated, but overall the outcome was more ambitious than preferred (Skjaereth and Wettstad 2010, 119). The huge climate momentum preceding the 2008 financial crisis, combined with the will of European leaders to demonstrate international leadership at the 2009 Copenhagen Conference contributed to taming CEECs' demands and opposition to the package and maintained a relatively high level of climate policy output.

3.3. 2010-2015: The difficulties of finding a post-2020 climate agreement in a crisis-ridden EU

Process performance

During the Copenhagen summit, the EU was side-lined by the US and China and the parties failed to agree on a global scheme to succeed to the Kyoto protocol. This diplomatic failure,

¹¹ Interviews with French officials, 30.11.11 and 16.02.12, Brussels.

¹² Council official interview, 28.11.11, Brussels.

¹³ DG Environment official interview, 02.12.11, Brussels.

¹⁴ French officials' interviews, 30.11.11 and 16.02.12, Brussels.

in conjunction with the financial and economic crisis, has affected the willingness of several MS, including most CEECs, to adopt further ambitious climate commitments (Skovgaard 2014). In addition, the economic crisis negatively affected the EU's economic output and led to a fall in GHG emissions, leading to large surplus of carbon allowances and low prices in the ETS (Wettestad 2014).

The attitude of Poland has become increasingly and overtly assertive on EU climate policy. Polish officials stress the country's reliance on coal (86% in electricity generation) and the defence of 'vital national interests'.¹⁵ The country's critical positioning has negatively affected EU's process performance. In 2010 the Commission, supported by countries such as Denmark and the UK, proposed to step up EU's GHG emissions target to 30% by 2020, most CEECs (and Poland was most critical amongst them) opposed this move arguing that there was no reason for making costly additional efforts if other countries were not following suit (Skovgaard 2010: 10). In March 2011, the Commission presented an Energy Roadmap for 2050, including a more ambitious GHG 2020 target (Commission 2011a). The Polish government blocked Council conclusions mandating the Commission to undertake further work, fearing more stringent climate targets (Wettestad 2012, 75). In March and June 2012, Poland (alone) blocked conclusions on the Low Carbon Roadmap for 2050 (Euractiv 2012).

Polish coalition-building has been effective at times. In 2015, during the debate on ETS reform, a letter to the Commission signed by seven CEECs opposed the move supported by the European Parliament and the most ambitious MS to create a permanent 'market stability reserve' – the automatic adjustment of the amount carbon allowances under certain conditions – from 2017 instead of 2021 as specified in the Commission proposal (EUObserver 2015). This led to the compromise solution of 2019.

Cleavages are apparent between OMS and NMS, but also between CEECs. Bulgaria and Romania have been the most inclined to follow Poland. The Czech Republic, Hungary, Slovakia have adopted a fence-sitting position. Among CEECs, Slovenia has often joined the group of more ambitious MS. Yet, it should be noted that EU15 countries such as Italy have also been either hostile or reserved towards further climate policy measures.¹⁶

Poland's activism has not prevented the adoption of new energy and climate targets for 2014. In international climate negotiations, cleavages have not prevented either the EU from taking part in the 'high ambition coalition' during the Paris Climate Conference of December 2015, accepting the objective of aiming to limit global temperature rise to 1.5°C rather than 2°C.

Outcome performance

Despite the fall in GHG emissions, in large part due to the economic slump, the EU has struggled to implement its climate commitment. Especially problematic is the functioning of the revised ETS, whose carbon price has fallen below €10 (instead of €30 as originally planned), which is insufficient to foster sustainable change in technology and markets. Whilst

¹⁵ Polish environment official interview, 21.06.2012, Brussels.

¹⁶ Various interviews with member state representatives.

the substantial ETS exemptions granted to CEECs have contributed to the over-allocation of carbon allowances and low prices, they represent a small share of the 2.1 billion surplus allowances (most of which is due to international off-sets and economic recession).

As regards objectives, the 2030 EU climate targets adopted in October 2014 have been watered down compared to the Commission's original plans and the level of ambition and trajectory set in 2008. Whilst the negative effect of (select) CEECs affected EU's process performance in terms of policy-making efficiency and consensus formation, this did not prevent the adoption of a 40% GHG reduction target for 2030. Arguably this outcome reflects the median position of 28 MS. Nevertheless there were continued significant concessions to NMS to accommodate their specific situation and positions. For instance, the 10% 'solidarity revenues' from allowances allocated to CEECs as part of the CEP have not been called into question for 2030, nor the free allocation of allowances for their power sector (European Council 2014).

EU outcome performance in climate policy has been clearly reduced since the adoption of the CEP. Yet, lower ambitions are as much the result of the timid approach of some EU15 countries, as of CEECs foot-dragging attitude. For instance, the 2030 renewable energy target – 27% binding EU target with no mandatory national objectives – and energy efficiency target – 27% non-binding – represent a lowering of EU's climate policy ambitions. Yet, this is in large part due to some EU15 governments, such as the UK and France (as well as Poland), who strongly opposed binding national renewable energy targets (Crisp 2015) rather than simply because of the activism of CEECs.

4. Enlargement and energy security

4.1. 2004-2008: The first gas 'crisis', Treaty change and the limited impact of enlargement

Process performance

EU enlargement occurred during a period when energy security was not a priority on the EU's agenda. This changed, in part because of the entrepreneurship of the CEECs and their structural impact on the EU's energy supply security. In January 2006 Russia cut all gas destined for Ukraine, which reacted by diverting gas transiting to the EU, affecting Hungary, Austria, Slovakia, Romania, France and Poland (Stern 2006).

Whilst the disruption was short and there was no clear OMS/NMS split in its effects, it was the NMS led by Poland who reacted most strongly to it, proposing a European Energy Security Treaty (EEST), to guard against 'potential political pressure exerted with the use of energy instruments' (Council of the EU 2006c, 2). Whilst supported by Visegrad members and the Baltic states (Taylor 2006), Austria and Germany instead stressed interdependence and cooperation with Russia (Natorski and Herranz-Surrallès 2008; Roth 2011: 613).

In September 2007, the Third Energy Package of legislative measures on the internal energy market was presented by the Commission, and during negotiations Poland supported an option allowing the restriction of infrastructure ownership by third-country companies on

the grounds of security of supply (the ‘Gazprom clause’), though this was weakened after pressure from Germany (Goldirova 2008). There were in fact divisions between MS, though not along an OMS-NMS cleavage; five OMS and three CEECs pushed for further unbundling options.

Outcome performance

Divisions within the EU prevented the adoption of Poland’s EEST, though an Energy article (Art. 194) was included in the Treaty of Lisbon, supported by Poland and the Baltic states (Mišík 2010). This included a vaguely defined ‘spirit of solidarity’, included as a ‘reassurance clause’ for NMS (Buchan 2009: 8-9), and which has been ever present in energy objectives and legislation since.

An Energy Security and Solidarity Action Plan proposed by the Commission in 2008 reflected modest proposals; extending the EU’s energy acquis via the Energy Community, completing the internal market and improving crisis response mechanisms (Commission, 2008). This was a result of preference heterogeneity between the CEECs and other MS, but importantly the Lisbon Treaty reiterated ‘a Member State's right to determine the conditions for exploiting its energy resources, [and] its choice between different energy sources’ (Art. 194).

The 2009 Third Energy Package (negotiations started in 2007) included the Gas Directive. This concluded with a distinct security of supply focus. Unbundling was to prevent third parties controlling infrastructure and the energy supply within it; Articles 6 and 7 obliged MS to promote regional and bilateral solidarity ‘to safeguard a secure supply’ and Article 46 required MS to take ‘safeguard measures’ in a crisis. Although the internal gas market was increasingly discussed and framed in terms of security of supply, few concrete measures were adopted at this stage.

4.2. 2009-2010: The second ‘crisis’ and the Security of Gas Supply Regulation

Process performance

The perception of Russia as a reliable partner amongst most OMS largely endured until a more serious gas supply disruption occurred over nearly three weeks in January 2009. CEECs were disproportionately affected (Pirani et al. 2009), but as a Commission official noted this event provided a ‘wake-up call [and] acted as a catalyst’.¹⁷

Despite Dutch and German opposition, a Commission proposal for a Security of Gas Supply Regulation received support from NMS and OMS (Europolitics 2009). The objective was to prevent and also respond to supply disruptions. MS were responsible for setting Preventative Action Plans indicating risks and investment plans, and Emergency Plans. More regional cooperation was also planned. Accompanying analysis highlighted continuing and growing vulnerability to supply disruptions, arguing that this was an EU concern and framing it as in terms of lack of ‘solidarity’ rather than lack of gas (Commission 2009b, 3).

¹⁷ Commission DG Energy official interview, 28.01.13, Brussels. Also Maltby (2013).

The 2009 disruption did narrow these OMS/NMS differences, and the latter lobbied actively for further measures. Polish MEPs and rapporteurs were influential with amendments, and in Council discussions.¹⁸ The Visegrad Energy Security working group was also formed in 2010 (Visegrad Group 2010), at the initiative of Poland, and met in a broader constellation involving Baltic and South Eastern MS. There, it was accepted that ‘Poland mobilised and spoke for the region’,¹⁹ and Poland had a ‘strong role in the Regulation’ overall.²⁰ The OMS/NMS cleavage should not be overstated though, a V4+ Summit in Budapest in 2010 was not the beginning of an institutionalised grouping, but the first and last such meeting. In addition, there was resistance from other MS to the ambition of Polish objectives.²¹ Several countries resisted bringing in a common minimum standard on supplies and infrastructure.

Overall, however, the process performance was not affected. As a Commission interviewee noted the Regulation took, ‘[only] one year from tabling to adoption’,²² though in large part because of the limited ambition of the proposals (Euractiv 2009).

Outcome performance

The 2010 Security of Gas Supply Regulation (Commission 2010) marked a step towards increased, though limited, output performance. The Commission was delegated the duty of monitoring MS plans and empowered to suggest amendments, the European Parliament (including influential Polish MEPs) having successfully insisted on this (EurActiv 2010b). A Gas Co-ordination Group was set up to facilitate coordination of security measures (between regulators, MS and industry), and the Commission was given the power to declare emergencies if requested by two MS. This was a compromise between the initial draft requiring a 20% loss of normal supplies and a Polish push for 10%, with OMS generally pushing for weaker measures (EurActiv 2010a).

The Commission’s original proposals were watered down after pressure from MS, unwilling to cede significant control of their energy supplies.²³ For example, an original plan to cope with 60 days of disruptions in the Commission’s July 2009 proposal (Commission 2009a) was decreased to 30 days in the final Regulation (Commission 2010). A key MEP actor involved in the Regulation concluded that it was a compromise between a large part of the Council on one hand and Commission, European Parliament, Poland and other NMS on the other. The outcome was less emphasis on the external dimension, but a slight shift to ‘communitarianisation’ was introduced.²⁴

4.3. 2011-2015: Enhanced external coordination and towards an ‘Energy Union’?

¹⁸ Permanent Representation interview, 18.01.13, Brussels; and Commission DG Energy official interview, 28.01.13, Brussels.

¹⁹ Polish MEP interview, 15.07.10, Brussels

²⁰ Commission DG Energy official interview, 28.07.10, Brussels.

²¹ Regarding: a solidarity compensation mechanism; Union wide plans and objectives; and the external dimension emphasis (focused on Gazprom).

²² Commission DG Energy official interview, 28.01.13, Brussels.

²³ Ibid.

²⁴ Polish MEP interview, 15.07.10, Brussels.

Process performance

In recent years, CEECs and Poland in particular have demonstrated entrepreneurial abilities to influence the EU agenda. In 2011, the Commission proposed an information exchange mechanism that would involve the Commission in energy agreements between MS and third countries (Commission 2011b). Törő et al. (2014, 383) concluded that Hungary and Poland effectively utilised the working relationship developed within the Visegrad group, along with their back-to-back EU presidencies. However, Poland's desire to oblige member countries to involve the Commission in energy negotiations was met with strong opposition from the majority of MS.

In 2014 the Polish Prime Minister framed energy security as a traditional national security concern once more and proposed a 'European Energy Union' (Tusk 2014). This was a direct response to Russian intervention in Ukraine (Sikorski 2014), but also a continuation of Polish foreign and energy policy and a reflection of the region's general preferences. The proposal would require a further pooling of sovereignty, and was supported by the Commission (Commission 2014a).

The proposal also suggested a collective gas purchasing mechanism, for the EU to act as a single actor in the natural gas trade rather than relying on bilateral contracts between MS and suppliers. The Commission's Vice-President for Energy Union (a new position created in 2014) supportively spoke of a 'step-by-step approach' to such a common purchasing of gas (Šefčovič cited in Euractiv 2014). However, this was strongly opposed by Germany (German Government 2015, 2), with the UK supporting a much vaguer compromise position that made this voluntary (UK Government 2015, 3). Part of this relates to perceptions of energy security and suppliers. For example, Germany's Energy and Economy Minister stated in April 2014 that Russia was 'an absolutely reliable supplier' (Gabriel cited in Gloystein 2014). Strong divergences among Central European countries were also obvious with the Hungarian Prime Minister arguing that the proposal 'hinders national sovereignty' (Orban cited in Feher 2015).

Outcome performance

The 2012 Decision on an information exchange mechanism forced MS to share information on all energy contracts with the Commission and other MS, though did not create a mandatory role for the Commission to be involved in negotiations, only where invited by a MS (EP and Council of the EU, 2012, 2). National sovereignty was asserted to remove formal vetting powers (Euractiv 2015; European Council 2015). Limited outcome performance is demonstrated by frequent Council requests for the Commission to propose further measures to increase energy security. MS sovereignty in the policy area remained guarded, and the single gas purchasing mechanism idea was watered down to analysing voluntary mechanisms (Commission 2015).

A long-standing objective is 'speaking with one voice' in climate and energy policy (Commission 2007). This remains far from realisation, despite hesitant moves toward the communitarianisation of external energy policy. In 2007 objectives to increase energy security focused on: 1) decreasing energy import dependence; 2) developing mechanisms to ensure solidarity in an energy crisis; 3) diversifying gas supplies and 4) achieving an

‘effective’ internal gas and electricity market (Commission 2007, 3-4). In 2014 objectives remained broadly similar. Overall import dependency has stabilised due to endogenous – increasing share of renewables – and exogenous factors – energy demand decrease linked to the economic crisis (Commission 2014b, 5). Yet most MS import more than 50% of their energy and Estonia, Latvia, Finland, Slovakia and Bulgaria remain completely dependent on a single supplier for their gas imports. The EU remains vulnerable to gas supply disruptions, in particular the CEECs (Commission 2014c, 1). Reliance is on largely untested cooperation and ‘solidarity’ mechanisms and emergency plans, which ‘*could* significantly reduce the impact in the most affected countries’ (ibid, 2, emphasis added).

5. Conclusion

Except in a few highly commented cases such as the 2009 gas crisis or Polish climate vetoes, it is difficult to isolate the specific role of CEECs, because of their relatively small size, but also because their impact interacts with wider European and international dynamics.

Both cases suggest that structural conditions – the economic crisis – and focusing events (or policy windows) – the Copenhagen Conference, the 2006 and 2009 gas crises – have had more impact on EU’s process and outcome performance than enlargement. It is unlikely that energy security would have become such a high priority issue for the EU in general without the risks of dependence on a single source becoming clear in 2006 and 2009. Similarly, the decrease in ambitions and effectiveness of the EU climate policy is in large part imputable to the new economic context, and its widespread effect on MS’ attitudes, rather than to a lack of willingness of the sole CEECs. Yet, we argue that accession has interacted with economic issues and external crises, sometimes contributing to amplify their effects. The accession of countries highly dependent on Russian gas has magnified the impact of the 2009 crisis. In a similar fashion, the economic slump has legitimized critics of the EU’s climate policy, including those of the most sceptical CEECs, and made distributive issues among MS – especially old and new – more salient.

Comparative analysis: process performance

As this paper shows, enlargement has affected both EU process-driven and outcome-driven performance, although not in a straightforward or even manner. In terms of process performance, the EU has demonstrated the institutional capacity to coordinate the differential interests of its MS to adopt further objectives and legislation after enlargement. The adoption of the gas security regulation or CEP in short periods of time, as well as the setting of longer-term objectives in both climate and energy security, are prime examples of the EU’s institutional resilience.

Nevertheless, the accession of ten Central European countries has affected the agenda of the EU, although in differentiated ways across the two cases. NMS have contributed to shape the European agenda towards security of supply issues, strongly supported and in combination with the Commission, whilst OMS had traditionally strived to keep this a member state competency. Compared with their proactive attitude on issues related to the

security of energy supplies, NMS have been more reactive as regards climate policy, and their impact on the agenda has been more limited here. Enlargement has had an impact by making more salient the challenge of sharing the climate effort between MS, since the EU28 is now characterised by larger discrepancies of levels of economic development and carbon intensity. We have identified policy entrepreneurship by individual MS – notably Poland – and regional – Visegrad – as well as ad hoc coalitions in influencing both the agenda and negotiation dynamics.

It has been apparent that NMS can and do share certain general climate and energy preferences due to overlapping history, energy infrastructure and approaches. The Visegrad Group meets frequently to discuss related issues and to an extent coordinates positions, including in larger Visegrad+ constellation with South-Eastern European members and Baltic countries. These groupings have reflected the concerns of their members regarding energy security; particularly supply and pricing. Coalition-building has also served to influence the EU climate policy, achieve a better recognition of the specific economic situation of CEECs and get exemptions to alleviate its costs. Nevertheless it is important to note that CEECs are not a cohesive bloc, and do not necessarily negotiate as such at the EU level. The CEECs are then a heterogeneous group whose positions are occasionally aligned, but who also support OMS positions, and diverge on others; at times pursuing policies which are at odds with the objectives of their neighbours. Active Polish entrepreneurship on energy security policy has generally been considered beneficial, but has met with varying success in the face of national differences, as well as some distrust from smaller countries of a potential Polish regional hegemony. Similarly, CEECs have not strictly followed Polish obstruction of further climate measures.

Comparative analysis: outcome performance

In the climate case, enlargement in the immediate post-accession period did not undermine the EU's output performance, but has increasingly been a factor in the reduction in ambition. The Commission has adapted to the new post-enlargement context by proposing national targets based primarily on GDP per capita. As part of EU climate negotiations, CEECs preferences have been mediated by the European context but NMS have also been instrumental in reaping further adjustments reflecting their past efforts and achievements as well as greater dependence on coal. These have impacted negatively on EU's climate policy output and outcome, notably as regards the functioning of the ETS, but they should also be regarded as necessary to political agreement and climate justice. In addition, EU membership has increased the climate policy ambition of CEECs. Overall, the reluctance and concessions to OMS, including the 'green' Germany, have had as much if not more impact on EU policy outcome. In addition wider economic dynamics such as low growth rates and the increase in renewable energies have strongly affected EU climate policy outcome, diluting the impact of CEECs.

In terms of energy security policy output performance, there have been several concrete steps taken to better connect MS, provide information on supply contracts and introduce minimum supply security standards. CEECs preferences and greater vulnerability to supply disruptions and uncompetitive pricing have been acknowledged and incorporated

into EU policy objectives. The Commission has also been delegated greater enforcement and regulatory powers, and the issue has become seemingly entrenched as a high priority for the Union. However, output has been unremarkable and less far reaching than CEECs and the Commission have demanded. There has been a failure to date to achieve stated objectives such as the creation of a single energy market, diversified sources of gas supply for most states or speaking with one voice with external suppliers.

Both the energy security and climate policy cases also show that the impact of Central European countries on EU performances has increased in recent years, although in opposite directions. While CEECs have become more and more critical of climate measures following the outbreak of the global economic crisis and failure of the Copenhagen summit, they have also become even more assertive and influential in pushing for European involvement with energy security issues following the 2009 gas crisis and upheavals in Ukraine. This has to do for a large part with external events, which have fuelled climate scepticism and fears of further gas disruption and Russian interference. This is also the result of a learning process, which has led to disappointment with the outcome of EU energy and climate integration, perceived as unfavourable to them. While CEECs are asked to make further efforts to reduce their GHG emissions, they do not feel that European policies have made them more secure as regards their energy supplies. In addition, they have often felt side-lined by OMS. In both cases, Poland has played a key role in virtue of its size and the relative strength of its economy, promoting the 'Energy Union' on the one hand, and repeatedly blocking further climate targets and measures on the other. The Visegrad group has become increasingly active in both energy and climate change policies, as a platform for coordination and the representation of the region's perspective and interests. Whether this represent a more general and longstanding trend remains subject to question. Further longitudinal and comparative research is needed to better specify the channels and extent of CEECs' influence, and to examine the interlinkages between the policy areas.

Acknowledgements

We would like to thank the editors of this special issue, Dimitris Papadimitriou, Dorina Baltag and Cristian Surubaru, and the journal editor Adam Fagan for their efforts in providing critical comments and encouragement throughout the process of writing this article. In addition we acknowledge the very useful feedback from the UACES general conference in Bilbao, and from the ECPR Standing Group on the EU, in particular the panel discussants Anke Schmidt-Felzmann and Sebastiaan Princen, as well as Brendan Moore and Matúš Mišík for their comments.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

This research has benefited from the generous funding of the Marie Curie Initial Training Network INCOOP (Institutional Cooperation in the European Union).

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